

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

1. R4 INVESTMENTS, LLC, an Oklahoma Limited )  
Liability Company, )  
2. EDGEMERE HOMES, LLP, an Oklahoma Limited )  
Liability Partnership, )  
 )  
Plaintiffs, )  
 )  
 )  
v. ) Case No. 19-CV-922-J  
 )  
1. REAL PROTECT, LLC, a Georgia Limited Liability )  
Company, )  
2. NORTON AGENCY INSURANCE, LLC, a Georgia )  
Limited Liability Company, a/k/a Norton Agency )  
Insurance, LLC d/b/a Norton Network Insurance )  
Agency, )  
 )  
 )  
Defendants. )

## **AMENDED COMPLAINT**

Pursuant to FRCP 15(a)(2), Plaintiffs hereby submit their First Amended Complaint:

## Parties

1. Plaintiff, R4 Investments, LLC, is an Oklahoma limited liability company. R4 Investments, LLC's place of business is within the State of Oklahoma and its members are each citizens of the State of Oklahoma.
2. Plaintiff, Edgemere Homes, LLP, is an Oklahoma limited liability partnership. Edgemere Homes, LLP's place of business is within the State of Oklahoma and its partners are each citizens of the State of Oklahoma.

3. Defendant, Real Protect, LLC, is a Georgia limited liability company.
4. Defendant, Norton Agency Insurance, LLC, is a Georgia limited liability company.

### **Jurisdiction**

5. The court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because there is diversity between the parties and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

### **Facts**

6. At all times material hereto, Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, owned residential properties located at the following addresses in Oklahoma County: 2138/2140 NW 12th Street, Oklahoma City, Oklahoma; 2142 NW 12th Street, Oklahoma City, Oklahoma and 1212/1214 N. Barnes, Oklahoma City, Oklahoma.

7. On or about June 7, 2018, Plaintiffs' properties were damaged as a result of wind/hail.

8. At all times material hereto, Defendants, Real Protect, LLC and Norton Agency Insurance, LLC, were Plaintiffs' insurance agents. Defendants told Plaintiffs that they had procured insurance coverage for Plaintiff's properties located at 2138/2140 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma; 2142 NW 12<sup>th</sup>

Street, Oklahoma City, Oklahoma and 1212/1214 N. Barnes, Oklahoma City, Oklahoma.

**Count I: Negligence – All Defendants**

9. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP hereby assert, allege and incorporate paragraphs 1-8 herein.

10. At all times material hereto, Defendants, Real Protect, LLC and Norton Agency Insurance, LLC were not licensed to operate as an insurance brokerage, and to procure and sell insurance policies in the State of Oklahoma.

11. Defendants, Real Protect, LLC and Norton Agency Insurance, LLC were Plaintiffs' insurance agents. Defendants told Plaintiffs that they had procured insurance coverage for Plaintiff's properties located at 2138/2140 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma; 2142 NW 12<sup>th</sup> Street, Oklahoma City, Oklahoma and 1212/1214 N. Barnes, Oklahoma City, Oklahoma.

12. Defendants, Real Protect, LLC and Norton Agency Insurance, LLC had a duty to procure coverage for Plaintiffs' properties. Indeed, Defendants averred to Plaintiffs that all of the properties herein described were covered under a policy through Defendant, Real Protect, LLC.

13. Defendants, Real Protect, LLC and Norton Agency Insurance, LLC negligently failed to procure the policy or coverage insuring Plaintiffs' properties,

thereby breaching the standard of care required of professional insurance agents and/or brokerages.

14. As a result of Defendants' breach of its duty of care, Plaintiffs have been injured and deprived of the benefits of the coverage that Defendants failed to procure.

**Demand for Jury Trial**

15. Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, hereby request that the matters set forth herein be determined by a jury.

**Prayer**

16. Having properly pled, Plaintiffs, R4 Investments, LLC and Edgemere Homes, LLP, hereby seek damages against the Defendants, Real Protect, LLC and Norton Agency Insurance, LLC together in an amount in excess of \$75,000.00; including costs, interest and attorney fees.

Respectfully submitted,

S/ Matthew M. McGrew

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**ATTORNEYS FOR THE PLAINTIFFS**

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of January, 2021, I electronically transmitted the foregoing document, Amended Complaint to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Robert A. Bragalone and Kelley Callahan  
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s/ Matthew M. McGrew